

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSUE CASTAÑEDA JUAREZ, et al.,

Petitioners-Plaintiffs,

v.

NATHALIE ASHER, et al.,

Respondents-Defendants.

Case No. C20-700-JLR-MLP

MINUTE ORDER

The following Minute Order is made at the direction of the Court, the Hon. Michelle L. Peterson, United States Magistrate Judge:

Oral argument is scheduled in this matter for Wednesday, May 27, 2020, at 10 a.m. The Deputy Clerk will reach out to the parties to set up the remote hearing and will post call-in details for the public on the Court's website.

The scope of oral argument will concern (1) clarification of factual issues related to conditions at the Northwest Detention Center ("NWDC"); and (2) the question of remedy.

Specifically, the Court requests oral argument on the following questions:

//

//

//

Questions for Petitioners

- **Facility Design:** Is it your position that social distancing at the NWDC is impossible based on facility design, or are there steps Respondents can take that would allow for adequate social distancing?

Questions for Respondents

- **Detainee Risk Levels:** Do you disagree that any of the three petitioners are at high risk of severe illness if infected with COVID-19?
- **Incoming Detainees:** How many detainees do Respondents expect the NWDC will receive over the coming months? Have Respondents taken any steps to minimize the number of transfers?
- **Overflow Room:** Once the medical housing unit is filled to capacity, ICE stated in its letter response to Senator Murray that COVID-positive or suspected cases will be placed in “other areas of the facility.” *See* Dkt. #73-1 at 2. Can you clarify what “other areas” means?
- **Procedures for Arriving Detainees:**
 - Is it possible to start testing *all* arriving detainees? If so, how soon can this be implemented?
 - Arriving detainees who are asymptomatic are placed in a cohort for 14 days before they are moved into the general population. Do they stay with the same cohort for all 14 days, or is it possible that newly-arrived detainees may be added into that cohort?
- **GEO Mask Requirements:** Respondents received notice on May 11, 2020 that GEO Corporate agreed to implement a mandatory policy that guards will wear masks. When is this policy going into effect?

Questions for Both Parties

- **Mr. Avendaño:** Respondents reference a 2007 order of protection by “Petitioner’s ex-partner.” *See* Dkt. #63 at ¶ 73. Can either side provide more information?
- **Accommodation:** Respondents state that some detainees were offered sparsely-populated or solitary units and declined this accommodation. How does this specifically apply to the three petitioners?

- **Remedy:** What is the appropriate remedy if current conditions at the NWDC violate petitioners' Fifth Amendment rights, but release is not in the public interest for certain petitioners?

Dated this 26th day of May, 2020.

William M. McCool

Clerk of Court

By: Tim Farrell

Deputy Clerk